

**REMARKS**

Claims 1, 3-7, 9-16, 18-27, and 29-32 have been rejected. Claims 1, 7, 15, and 27 have been amended. Claims 1, 3-7, 9-16, 18-27, and 29-32 are pending. Applicants request reconsideration of the pending claims.

**I. Claim Rejections – 35 USC 102**

Claims 1, 3-7, 9-13, 15-16, 18-27, 29-31 were rejected under 35 USC 102(b) as being anticipated by Takayama (EP 0950 968 A1).

**A. Takayama Reference Discloses Deleting All Data Held in RAM 1502**

Independent claims 1, 7, 15, and 27 have been amended to clarify that the uploaded data is left in the memory of the terminal even when the subscriber information card is dismounted from the wireless communication terminal. The Takayama reference explicitly discloses that all data held in the memory of the terminal is deleted when the SIM card is removed from the terminal after data has been uploaded from the terminal to the user information server. In particular, paragraph [2108] of the Takayama reference explicitly discloses that “mobile user terminal 13900 deletes all the data held in the RAM 1502” when the SIM card is removed from the terminal after data has been uploaded from RAM 1502 of the mobile terminal 13900 to the user information server 902. (Emphasis added.)

In the final Office Action and the Advisory Action, the Examiner asserts that “the data updated and uploaded to the server is kept in the memory of the terminal 139.” The Examiner cites to paragraphs [2106-2111] of the Takayama reference for support. However, as noted above, the Examiner’s assertion is contradicted by explicit disclosure in paragraph [2108] of the Takayama reference that all data held in RAM 1502 of terminal 13900 is deleted when the SIM card is removed after data has been uploaded from RAM 1502 of the mobile terminal 13900 to the user information server 902.

Applicants note that the uploading and updating processes in the Takayama references are two separate processes. In the uploading process, data is uploaded from the terminal to the user information server. In the updating process, the data previously uploaded from one terminal to the user information server is downloaded to another terminal.

As noted above, as part of the uploading process, the Takayama reference explicitly discloses that all data held in the RAM of the terminal is deleted. In contrast, claims 1, 7, 15, and 27 recite that uploaded data is left in the memory of the terminal when data is uploaded from the terminal to the server even when the subscriber information card is dismounted from the first wireless communication terminal.

**B. Takayama Reference Only Discloses Confirming Authentic User of SIM Card**

Claims 1, 7, 15, and 27 recite that uploading from the terminal is allowed to be executed at least under conditions that the user is confirmed to be:

- a) an authenticated user of said subscriber information card; AND
- b) an authenticated user of the terminal.

In the final Office Action, the Examiner asserts that, “[in the Takayama reference] uploading occurs when authenticating the user after entering a code number that matches a code number stored in the nonvolatile memory.” The Examiner cites to paragraphs [2111-2112] of the Takayama reference for support.

In citing to paragraph [2111], the Examiner has failed to mention that the nonvolatile memory is that of the SIM card 14000. In particular, paragraph [2111] states, “the code number stored in the nonvolatile memory of the SIM card 14000 is compared with the code number that was entered [by the user].” (Emphasis added.)

Thus, the Takayama reference discloses confirming that the user is the authenticated user of the subscriber information card. However, the Takayama reference does not disclose confirming that the user is the authenticated user of the terminal.

For at least these two independent reasons, Applicants assert that claims 1, 7, 15, and 27 are allowable over the Takayama reference. Applicants also assert that claims 3-6, 9-13, 16, 18-26, and 29-31 are allowable for at least the reason that they depend from allowable independent claims.

## **II. Claim Rejections – 35 USC 103**

Claims 14 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Takayama reference in view of US 2005/0125344 (the Utsumi reference).

Claims 14 and 32 depend from independent claims 7 and 27, respectively. As discussed above, Applicants assert that claims 7 and 27 are allowable over the Takayama reference for at least the reason that the Takayama reference fails to disclose or suggest confirming that a user is an authenticated user of the terminal from which data is to be uploaded or on which the subscriber information card is mounted. The Utsumi reference also fails to disclose or suggest this limitation. In particular, the Utsumi reference discloses verifying personal information in paragraph [0011], but does not disclose or suggest confirming that a user is an authenticated user of the terminal from which data is to be uploaded or on which the subscriber information card is mounted. Thus, Applicants assert that claims 14 and 32 are allowable over the combination of the Takayama and Utsumi reference for at least the reason that they depend from allowable independent claims.

**III. Conclusion**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 448252001800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 21, 2008

Respectfully submitted,

By /Peter J. Yim/  
Peter J. Yim  
Registration No.: 44,417

MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.6373  
Fax: 415.268.7522